

**(22) AUTHORIZATION TO OPEN BIDS AND AWARD
CONTRACT FOR GENERAL CONTRACTOR FOR
CAMERON PARK COMMUNITY RESOURCE
CENTER**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, approval was given to open bids as received for the Contract for the General Contractor for the Cameron Park Community Resource Center.

The sole bid received and opened was that of Reyna Construction Company, Brownsville, Texas, in the amount of \$223,072.00.

At this time, the bid was referred to the Architects with the Firm of Rike-Ogden-Figueroa-Guerra, McAllen, Texas, for review and possible award prior to the end of the Meeting.

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(1) APPROVAL OF COUNTY CLAIMS

Commissioner Cascos moved that the County Claims be approved as presented and on the recommendation of the County Auditor.

The motion was seconded by Commissioner Valencia and carried the following vote:

AYE: Commissioners Cascos, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of Brownsville Community Health Clinic, Warrant No. 75211 in the amount of \$293.61.

The Affidavit is as follows:

(2) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 20, and the Salary Schedules for the Computer Center, Department No. 10-408 and the Health Department, Departments No. 24-638, No. 24-639, No. 27-626 and No. 27-629 were approved.

The Budget Amendment and Salary Schedules are as follows:

(3) **IN THE MATTER OF MINUTES OF MARCH 23,
1993 AND MARCH 30, 1993 (TABLED)**

MARCH 23, 1993

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the Minutes of the Regular Meeting held on March 23, 1993 at 1:30 P. M. were approved.

MARCH 30, 1993

The Minutes of the Regular Meeting held on March 30, 1993 were tabled for one (1) week.

(4) **AUTHORIZATION TO OPEN BIDS FOR TWO (2)
PICKUP TRUCKS FOR PRECINCT NO. 3**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, approval was given to open bids, as received for two (2) pickup trucks for Precinct No. 3.

The bids received and opened are as follows:

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, the bids were referred to the Purchasing Agent and the Commissioner of Precinct No. 3 for tabulation and recommendation to the Court of the best bid in one (1) week.

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**(5) AUTHORIZATION TO OPEN BIDS FOR TWO (2)
BACKHOES FOR PRECINCTS NO. 1 AND NO. 4**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, approval was given to open bids, as received, for two (2) backhoes for Precincts No. 1 and No. 4.

The bids received and opened are as follows:

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the bids were referred to the Purchasing Agent and the Commissioners for Precincts No. 1 and No. 4 for tabulation and recommendation to the Court of the best bid in one (1) week.

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**APPROVAL OF PROFESSIONAL SERVICES
CONTRACT TO TRANSPLANT TREES AND
SHRUBS FROM CAMERON COUNTY AIRPORT**

At this time, Commissioner Matz stated that the grounds at the Cameron County Airport were to be cleared and that a person contacted him regarding replanting the trees near San Benito, at no cost to the County, and added that the County Attorney had prepared a Contract.

Commissioner Cascos moved that the Professional Services Contract to transplant trees and shrubs from the Cameron County Airport be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

The Contract is as follows:

(7) **APPROVAL OF RESOLUTION SUPPORTING THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL'S NEED FOR DEVELOPMENT OF A COMPREHENSIVE DATABASE TO ENHANCE THE ECONOMIC DEVELOPMENT OF THIS REGION**

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the Resolution supporting the Lower Rio Grande Valley Development Council's need for development of a Comprehensive Database to enhance the Economic Development of this Region was adopted.

The Resolution is as follows:

- (8) **APPROVAL TO REFUND THE AMOUNT OF \$4,304.84 TO CASSO GUERRA COMPANY FOR THE ERRONEOUS PAYMENT OF TAXES**
- (9) **APPROVAL TO REFUND THE AMOUNT OF \$12,177.18 TO TEXAS COMMERCE BANK FOR THE ERRONEOUS PAYMENT OF TAXES**
- (10) **APPROVAL TO REFUND TAXES TO BEALL'S DEPARTMENT STORES IN THE AMOUNT OF \$660.38 FOR THE ERRONEOUS PAYMENT OF TAXES**
- (11) **APPROVAL TO REFUND TAXES TO JOHN HANCOCK MUTUAL LIFE INSURANCE IN THE AMOUNT OF \$1,317.09 FOR THE ERRONEOUS PAYMENT OF TAXES**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, approval was given to refund taxes, resulting from the erroneous over payments, to the following individuals, on the recommendation of the County Auditor:

- Casso Guerra Company - \$4,304.84,
- Texas Commerce Bank, Brownsville, Texas, - \$12,177.18,
- Beall's Department Stores, Brownsville, Texas, - \$660.38, and
- John Hancock Mutual Life Insurance - \$1,317.09.

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- (12) **APPROVAL OF THE FOLLOWING VOTING MACHINE LEASE AND SERVICE AGREEMENTS:
A) CITY OF RIO HONDO, B) LOS FRESNOS CISD,
C) CITY OF PORT ISABEL, D) SANTA ROSA ISD,
E) SAN BENITO CISD, AND F) RIO HONDO ISD**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the following requests for the use of voting machines were approved, on the recommendation of the Elections Administrator and the County Attorney:

- a) City of Rio Hondo, Texas,
- b) Los Fresnos Consolidated Independent School District,
- c) City of Port Isabel, Texas,
- d) Santa Rosa Independent School District,
- e) San Benito Consolidated Independent School District, and f) Rio Hondo Independent School District.

The Agreements are as follows:

(13)

AUTHORIZATION FOR THE TAX ASSESSOR-COLLECTOR TO ENTER INTO PAYMENT AGREEMENTS WITH COUNTY TAXPAYERS AS PROVIDED BY SECTION 33.02 OF THE STATE PROPERTY TAX CODE FOR THE 1992 AD VALOREM TAXES TO AVOID PAYING ADDITIONAL PENALTIES

Judge Garza stated that this item had been discussed the previous week and was placed on the Agenda because the Tax Assessor-Collector was to provide the Court with a written "Policy" concerning this matter, but since he had just received the Policy, the suggestion was made that no action be taken at this time.

At this time, Mr. Christopher Phillepe, Attorney-at-Law with the Law Firm of Heard-Goggan and Blair, Brownsville, Texas, stated that he had reviewed the information provided by the Tax Assessor-Collector, and after reviewing the Statutes, it was his opinion that the 15% penalty could not be waived and he suggested that the Court request an opinion from the Attorney General's Office or a "Declaratory Judgment" from Judge Darrell Hester on this particular issue. He stated that he did not believe that the statutory authority existed to waive the fifteen (15%) percent penalty just because a payment arrangement was in effect, and added that he had discussed the matter with the County Auditor and that he shared the same concerns.

Mr. Doug Wright, Cameron County Counsel, stated that it would take at least six (6) months to get an answer from the Attorney General's Office and suggested that the District Attorneys's Office request a "Declaratory Judgment" from Judge Darrell Hester.

Mr. Tony Yzaguirre, Tax Assessor-Collector, stated that he had requested the State Comptroller's Opinion in order to make sure that what he had read was correct and that that was all he had to go by.

Mr. Phillepe stated that the Comptroller had been fairly notorious in the past for misinterpretations and that the document had not been written by someone familiar with the Statutes.

Commissioner Valencia moved that No Action be taken and to direct the County Attorney to solicit the Attorney General's Opinion on this matter.

Judge Garza questioned whether a District Court's opinion could be obtained quicker than an Attorney General's opinion and Mr. Wright responded that he was not familiar with the District Courts' schedules, and added that he could research the matter and explore the possibility of a Declaratory Judgment.

Judge Garza remarked that the Installment Agreements would be an "installment" on accounts that had not yet become delinquent prior to July 1, and that he did not understand why the County would not have the latitude to negotiate prior to July 1 and waive the Attorney's fees that did not apply until post delinquency.

Mr. Phillepe clarified that the delinquent accounts were referred to the Collection Firm on July 1 but the taxes were actually delinquent on February 1, and that according to the Statutes, they would still incur attorney's fees and any other penalties, whether or not a payment plan was drawn before July 1.

Mr. Yzaguirre stated that the Tax Code provided his Office the latitude to execute the Agreements in order to help the tax-payers.

Mr. Phillepe stated that he was concerned that an opinion would be found ruling that the procedure was not legal, and consequently the County would be liable for the Attorney's fees.

Mr. Rayburn MacNelly, County Auditor, stated that the Statutes addressed interest but was "silent" concerning penalties, and thus subject to interpretations. He stated that he was concerned because the fifteen (15%) percent penalty was set by Commissioners Court in lieu of the County Attorney collecting Attorney's Fees, and if the penalties were waived, whether that would include the Attorney's Fees.

Commissioner Cascos questioned whether the Tax Code specifically addressed the penalties being excluded and a lengthy discussion followed concerning the penalties being waived and the suggestion was made to research the matter in order to answer the questions raised.

Commissioner Matz asked for the County Auditor's recommendation and Mr. MacNelly responded that the County should proceed to execute the Agreements and, in the interim, collect the penalties as scheduled. He said that if the date the Agreement was signed was the controlling factor, and it was found that the penalties could be waived, then it would be a refundable amount.

Judge Garza reiterated the recommendation, that being that the Tax Assessor-Collector could proceed with the Installment Agreement, to include the fifteen (15%) percent penalties and interest, and if during the interim period the Attorney General's Office ruled that the Court had the authority to waive the 15%, then it would be treated as a "reimbursement."

Mr. MacNelly stated that the Tax Assessor-Collector had the authority to waive the penalties and not the Court, and added that the Court had the authority to assess the penalties, which was a "conflict."

At this time, Commissioner Valencia withdrew his original motion.

Commissioner Valencia moved that Mr. MacNelly's suggestion, that being that the Tax Assessor-Collector be authorized to proceed with the Installment Agreements, including the scheduled penalties and interests, and if the Attorney General ruled that the penalties could be waived, the overpayment would be treated as a "reimbursement" or applied to the balance of the delinquent account.

The motion was seconded by Commissioner Matz and carried unanimously.

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**AUTHORIZATION TO ADVERTISE FOR
CONSTRUCTION BIDS FOR THE BROWNSVILLE
HEALTH CLINIC ON IOWA ROAD**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the advertisement for construction bids for the Brownsville Health Clinic on Iowa Road was authorized.

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**(15) AUTHORIZATION TO ADVERTISE FOR BIDS
FOR ONE 1993 P/U (WILL TRADE IN A 1990 P/U -
DIFFERENCE TO BE PAID FROM FUND 90)**

Commissioner Cascos moved that authorization be given to advertise for bids for one (1) 1993 pick-up, with trade of a 1990 pick-up, the difference in cost to be paid from Fund 90.

The motion was seconded by Commissioner Valencia and carried unanimously.

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**(16) AUTHORIZATION TO RENEW MOBILE
VENDOR'S PERMIT NO. 2389 - ABO'S FOOD AND
SNOW CONE AND BEACH RENTALS AND
PERMIT NO. 2413 - ABO'S BEACH RENTALS FOR
ABO MARAND FOR PERIOD MAY 20, 1993
THROUGH MAY 5, 1994**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, authorization was given to renew the Mobile Vendor's Permit No. 2389 for ABO'S Food and Snow Cone and Beach Rentals and Permit No. 2413 for ABO'S Beach Rentals for Abo Marand for the period of May 20, 1993 through May 19, 1994.

The Permits are as follows:

(17) **IN THE MATTER OF SECOND QUARTER
INCOME REPORT FOR CAMERON COUNTY
PARKS SYSTEM (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was TABLED.

(18) **AUTHORIZATION OF RESOLUTION AND
ASSOCIATED APPLICATION FOR ANNUAL
BEACH CLEANING CONTRACT WITH THE
TEXAS GENERAL LAND OFFICE, CERTIFYING
THAT PRECINCT NO. 1 CREW WILL CLEAN
52,800 LINEAR FEET OF PUBLIC BEACH ON
BOCA CHICA PENINSULA AND CAMERON
COUNTY PARKS WILL CLEAN AND PATROL
31,800 LINEAR FEET OF PUBLIC BEACH ON
SOUTH PADRE ISLAND**

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Resolution and associated Application for the Annual Beach Cleaning Contract with the Texas General Land Office was adopted, certifying that Precinct No. 1 crew would clean 52,800 linear feet of public beach on the Boca Chica Peninsula and the Cameron County Parks would clean and patrol 31,800 linear feet of public beach on South Padre Island, Texas.

The Resolution is as follows:

(19) **IN THE MATTER TO APPOINT A COMMITTEE
COMPOSED OF THREE RESIDENT REAL
PROPERTY OWNERS TO THE VETERANS LAND
BOARD COUNTY COMMITTEE FOR CAMERON
COUNTY (TABLED)**

Mr. Doug Wright, Cameron County Counsel, stated that the statutes provided for three (3) real property owners to be appointed to the Land Board and the suggestion was made to have the three (3) Commissioners present to visit with the Veteran Services Officer with their recommendation.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, this Item was Tabled.

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(20) **APPROVAL TO RESCIND AWARD ON BID TO
LEAL'S MAINTENANCE FOR CLEARING OF
COUNTY AIRPORT**

Mr. Andy Cueto, County Engineer, explained that the Leal's Landscape and Maintenance proposal was awarded on March 8, 1993 but had not been executed, and that apparently Commissioner Matz had found someone that needed to test a new shredder, for the cost of gas money, and he suggested that the Court rescind the action taken on March 8, 1993.

Commissioner Matz clarified that the equipment could only handle material up to three (3) feet high, and would need to retain someone for the remaining work.

Mr. Cueto suggested that since the County Engineer's Office conducted negotiations with Leal's Landscaping, that they be given the first consideration for the remaining work; however, it appeared that the Court would have to solicit proposals.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the awarded proposal of Leal's Landscaping and Maintenance, for the clearing of the County Airport, was rescinded.

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(21) **REQUEST FOR PRELIMINARY AND FINAL
APPROVAL**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- a) **Precinct No. 3** -Noe Reyna Subdivision - being a tract containing 1.68 acre of land out of a 5.00 acre tract out of the south 86.46 Block No. 74, San Benito Land and Water Company Subdivision.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- b) **Precinct No. 3** -Cantera Subdivision - being a sub-division of 1.00 acre out of Block No. 15, San Benito Land and Water Company Subdivision, located on the north side of U.S. Expressway "77-83" approximately 1/2 mile west of FM 732 Sherer Road.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation by the County Engineer's Office:

- c) **Precinct No. 4** -J.D.Z. La Carreta Subdivision Unit No. 1 - being a subdivision of a 1.228 acre tract of land out of Tract "O" out of the lower third (1/3) of the middle league of the San Pedro de Carricitos Grant.

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(23) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the following travel and/or travel expenses were approved, subject to availability of funds in their Budget:

- a) County Engineer to attend Environmental Conference at Matamoros, Tamps., Mexico, on May 22-23, 1993;
- b) Three (3) Engineering and Right-of-Way employees to attend Asphalt Pavement Seminar in Harlingen, Texas, on May 20, 1993;
- c) Three (3) Child Care Workers to attend Texas Juvenile Detention Annual State Line-worker Conference on May 16-19, 1993, in Corpus Christi, Texas;
- d) Tax Assessor-Collector and Deputy to attend Legislative Committee Meeting to meet with local State Representatives on H.B. No. 2746;
- e) Ms. Yvette Salinas, WIC Director, to Sinton, Texas, on April 1-2, 1993, to attend WIC Directors Meeting;
- f) Commissioner Lucino Rosenbaum, Precinct No. 1, Mr. Jose Cuellar and Mr. Mike Forbes to Texas Surplus Property in San Antonio and Houston, Texas, on April 6-8, 1993;
- g) County Clerk to State-County Public Partnership Conference in Austin, Texas, on April 21-22, 1993; and
- h) Two (2) Officers to pick up computer equipment for NCIC/TLETs in Austin, Texas, Department of Public Safety Office on March 30, 1993.

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(24) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 2:20 P. M. to discuss the following matters:

- a) Discuss Parcels No. 1, No. 2 and No. 6, Loop 590, Section 6, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel regarding contemplated litigation on delinquent tax accounts, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Discuss possible acquisition of real property necessary for construction of the new Juvenile Detention Facility, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 3:30 P.M.

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(22) **AUTHORIZATION TO OPEN BIDS AND AWARD
CONTRACT FOR GENERAL CONTRACTOR FOR
CAMERON PARK COMMUNITY RESOURCE
CENTER**

At this time, Mr. Luis Figueroa, Architect with the Architectural Firm of Rike-Ogden-Figueroa-Guerra, McAllen, Texas, stated that the bid by Reyna Construction Company was discussed and the suggestion was made to table the Item for one (1) week in order to review the cost estimates with the Contractor and with Texas A & M University.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the bid was referred to the Architects and to Texas A & M University for review and recommendation to the Court in one (1) week.

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(25) **ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Discuss Parcels No. 1, No. 2 and No. 6, Loop 590, Section 6.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the County Engineer, in conjunction with the County Attorney, be directed to proceed with the disposition of said parcels, along the terms and conditions as outlined in Executive Session.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Engineer and County Attorney were directed to proceed with the disposition regarding Parcels No. 1, No. 2 and No. 6, Loop 590, Section 6, along the terms and conditions as outlined in Executive Session.

- b) In the matter to confer with Counsel regarding contemplated litigation on delinquent tax accounts.
(NO ACTION TAKEN)

Judge Garza reported that after some discussion with the County's Tax Counsel and the Tax Assessor-Collector concerning the contemplated litigation on delinquent tax accounts, it was the consensus of the Court as determined by polling, that no action be taken on this matter.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, No Action was taken on this matter.

- c) Discuss possible acquisition of real property necessary for construction of the new Juvenile Detention Facility.

Judge Garza reported that after some discussion with the Budget Officer, Ms. Rosemary Martinez and the County Engineer, Mr. Andy Cueto, the Court had the opportunity to evaluate the options and called on Ms. Martinez to provide a summary on the sites considered.

Ms. Martinez briefly reviewed the site analysis as prepared by Cox-Croslin and Associates, Austin, Texas, and added that based on the criteria utilized, the sites were rated as follows: site "A" (14th and Highway 48) received 160 points; site "C" (10 acre tract of land adjacent to the Armory in San Benito) received 144.5 points and site "B" (FM 3248) received 125 points.

The Site Analysis is as follows:

Judge Garza reported that based on the criteria as outlined and reviewed, it was the consensus of the Court as determined by polling, that site "C", the tract of land adjacent to the Armory in San Benito, should be selected as the construction site for the Juvenile Facility. He explained that the site selected was (1) central to the County, (2) it offered some opportunities with respect to the construction of the facility that were not afforded by the other two (2) sites, (3) the cost, there being no cost associated with the County-owned property, (4) the responsibility of the Court to aid the tax-payers to save between \$300,000.00 and \$500,000.00 in land acquisition, and (5) to select a site that would lend itself to the construction of a "first rate" facility.

Upon motion by Commissioner Valencia, seconded by Commissioner Cascos and carried unanimously, site "C", the ten (10) acre tract located adjacent to the National Guard Armory in San Benito, was selected as the site for the construction of the new Juvenile Detention Facility.

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ANNOUNCEMENT

At this time, Judge Garza extended an invitation to the members of the Court to attend the ground breaking Ceremony to be held at Andy Bowie Park on Thursday, April 8, 1993, at 2:00 P. M.

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There being no further business to come before the Court, upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the meeting was adjourned.

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APPROVED this **20th** day of **April**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS